

## **LEGAL ACTION REPORT**

**TUCSON POLICE AND FIRE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS  
\*ANNUAL MEETING  
OF TUESDAY, JANUARY 09, 2007  
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM  
5TH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ  
9:08 A. M.**

### **1. ROLL CALL**

Police Board Members:

Robert Walkup	- Chair
Schuyler Lininger	- Member – Absent/Excused
J. Scott Douthitt	- Member
Mike Gurr	- Member
Tom Garrison	- Member – Absent/Excused

Fire Board Members:

Robert Walkup	- Chair
Schuyler Lininger	- Member – Absent/Excused
J. Scott Douthitt	- Member
Mike McKendrick	- Member
Roger Tamietti	- Member

Also Present:

Elizabeth Martinez – Police and Fire Board Secretary  
David McEvoy – Police and Fire Board Attorney  
Kathy Maish – Finance Executive Assistant  
Jack Wixon – Police System Member – Left at 9:26 a.m.  
Penny Savoie – Spouse of System Member – Left at 9:26 a.m.

### **2. POLICE CONSENT AGENDA: ITEMS A – E**

- A. MINUTES FOR APPROVAL – 12/12/06
- B. PENSION PAYROLL – Addition of Normal Service Retirement out of DROP in the amount of \$2,632.52 for Alfred Maldonado. Deletion of Guardians/Childs benefits in the amount of \$2,363.08 for Gloria A. Elias (Guardian) due to Marivette Elias (Child) turning 23 on December 30, 2006.
- C. NORMAL SERVICE RETIREMENT  
Alfred Maldonado – Last day worked 12/14/06 – Pension effective 01/01/07

### **\*State Fire Marshall Report**

**(For the purposes of the Firefighters Relief and Pension Fund)**

**D. REDEMPTION OF PRIOR SERVICE**

Timothy Beam – Prior Service Salt lake County Sheriff – 4.003 years for \$80,470.00  
Mark Jones – Prior Military Service – 4.00 years for \$27,821.04

**E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY**

**MOTION** by Mr. Gurr, seconded by Mr. Douthitt that Police Board Items A.-E. are adopted as written and appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Lininger and Mr. Garrison absent/excused.)

**3. FIRE CONSENT AGENDA: ITEMS A – I**

**A. MINUTES FOR APPROVAL – 11/14/06**

**B. PENSION PAYROLL** – Addition of Normal Service Retirement out of DROP in the amount of \$2,253.84 for Juan Barba Addition of Normal Service Retirement out of DROP in the amount of \$4,154.04 for John Conahay Addition of Normal Service Retirement out of DROP in the amount of \$4,172.56 for Dennis Howell Addition of Normal Service Retirement out of DROP in the amount of \$4,113.65 for Richard Slosson. Deletion of Permanent accidental disability benefits in the amount of \$2,169.86 for Robert Saturley due to his death on December 6, 2006 and addition of Survivor benefits in the amount of \$1,735.89 for Alberta Saturley .

**C. NORMAL SERVICE RETIREMENT**

Juan Barba – Last day worked 12/21//06 – Pension effective 01/01/07  
John Conahay – Last day worked 12/30//06 – Pension effective 01/01/07  
Dennis Howell – Last day worked 12/29//06 – Pension effective 01/01/07  
Richard Slosson – Last day worked 12/16//06 – Pension effective 01/01/07

**D. SURVIVOR BENEFITS**

Alberta Saturley – Robert died 12/06/06 – Pension effective 01/01/07

**E. DEFERRED RETIREMENT OPTION PLAN**

Robert Draves - Election to participate in the DROP 12/26/06

**F. PRE-EMPLOYMENT PHYSICAL REQUIREMENT**

<u>DOH: 7/22/06</u>	<u>PSPRS: 12/10/06</u> <b>Class 06-2</b>
Jacob Anderson	Passed Pre-Employment physical on 06/05/06
Tyler Berndt	Passed Pre-Employment physical on 06/05/06
William Colegrove Jr.	Passed Pre-Employment physical on 05/24/06
Greg A.I. DeFries	Passed Pre-Employment physical on 06/05/06
Christopher L. Don	Passed Pre-Employment physical on 05/31/06
Kelly Donahoo	Passed Pre-Employment physical on 06/01/06
Thomas T. Donahue	Passed Pre-Employment physical on 05/26/06
Christopher Gates	Passed Pre-Employment physical on 05/26/06
Ryan Gaudioso	Passed Pre-Employment physical on 06/05/06

Keith Goldstein  
Brian Hart

Passed Pre-Employment physical on 06/05/06  
Passed Pre-Employment physical on 07/05/06

Sean M. Kruse	Passed Pre-Employment physical on 06/05/06
Tyler McKendrick	Passed Pre-Employment physical on 05/19/06
Anessa M. Medford	Passed Pre-Employment physical on 05/24/06
Jason A. Mertlich	Passed Pre-Employment physical on 06/05/06
Joseph Munoz	Passed Pre-Employment physical on 05/31/06
Andrew Nemeth	Passed Pre-Employment physical on 06/01/06
Francisco Nunez	Passed Pre-Employment physical on 05/19/06
Joshua Padilla	Passed Pre-Employment physical on 05/26/06
Andrew Rico	Passed Pre-Employment physical on 04/28/06
Michael Schierling	Passed Pre-Employment physical on 05/31/06
Max Schoenberger	Passed Pre-Employment physical on 05/08/06
Michael Short	Passed Pre-Employment physical on 06/01/06
Ben Singley	Passed Pre-Employment physical on 06/01/06
Andy Stead	Passed Pre-Employment physical on 05/31/06
Lyle H. Steffens	Passed Pre-Employment physical on 06/01/06
Brian Thompson	Passed Pre-Employment physical on 05/31/06
Anthony Tolano	Passed Pre-Employment physical on 05/04/06
David Z. Tower	Passed Pre-Employment physical on 05/19/06

G. REDEMPTION OF PRIOR SERVICE

Peter December – Prior Fire Marquette, MI – 7.001 years in the amount of 67,425.00

H. TRANSFER OF PRIOR SERVICE

Justin Keith - Transfer from Rio Rico Fire to Tucson Fire 1.4100 years

I. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. McKendrick, seconded by Mr. Tamiatti that Fire Board Items A.-I. are adopted as written and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Lininger Absent/Excused)

**MOTION** by Mr. Gurr, seconded by Mr. Douthitt that the police board go into executive session. Motion **CARRIED** Unanimously.

**EXECUTIVE SESSION:** 9:12 a.m. - 9:22 a.m.

**MOTION** by Mr. Gurr, seconded by Mr. Douthitt that the police board come out of executive session and go back to regular session. Motion **CARRIED** Unanimously.

4. APPLICATION FOR DISABILITY RETIREMENT

**EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police – Attachments

Jack Wixon

**5. CONSIDERATION OF APPLICATION FOR DISABILITY RETIREMENT**  
**Direction regarding Executive Session**

Police

Jack Wixon

**MOTION** by Mr. Gurr, seconded by Mr. Douthitt that the Board **DENY** Mr. Wixon's application for Permanent Accidental Disability Pension. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Lininger and Mr. Garrison absent/excused.)

**6. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL**  
**EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

There was no executive session under this item.

Police

Gary L. Larson, Hired: 07/06/87; Disability: 05/16/03; Last Physical: 03/17/05

Fire

Larry Stafford, Hired: 09/18/89; Disability: 02/04/97; Last Physical: 03/17/05

**7. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL**  
**Board Direction Regarding Executive Session**

Police

Gary Lee Larson

**MOTION** by Mr. Gurr, seconded by Mr. Douthitt that keeping with board policy of seeing the Board physician every other year that Mr. Larsen take his annual physical and this will be Mr. Larsen's last physical because he will have reached his twenty years in July of 2007. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Lininger and Mr. Garrison absent/excused.)

Fire

Larry Stafford

**MOTION** by Mr. McKendrick, seconded by Mr. Tamietti that that keeping with board policy of seeing the Board physician every other year that Mr. Stafford take his annual physical. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Lininger absent/excused.)

**8. COMPLIANCE WITH FINANCIAL AUDITS - RULE 18**

**EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

There was no executive session under this item.

Police – Attachments  
Dennis Keys – Received

**9. COMPLIANCE WITH FINANCIAL AUDITS - RULE 18  
Board Direction Regarding Executive Session**

Police  
Dennis Keys

It was **DETERMINED** without Objection by the Board that the audit for Mr. Key would be continued until the February 13, 2007 Board Meeting.

**10. REPORT FOR STATE FIRE MARSHAL**

Fire - Attachments

It was **DETERMINED** without Objection by the Board that the report was complete and requested that staff forward per instruction by the State Fire Marshall's office.

**11. REQUEST FOR RETIREE ADDRESS LABELS**

It was **DETERMINED** without Objection by the Board to send the mailing labels to the Fire Retirees Association.

**12. FUND INFORMATIONAL ITEM**

**LUNCHEON**

Discussion ensued regarding luncheon on January 9<sup>th</sup> and January 25<sup>th</sup> luncheon for retiring Board Member and Finance Director Mr. Scott Douthitt

**BOARD MEMBER**

Discussion ensued regarding replacement for retiring Board Member Scott Douthitt.

**13. ADJOURNMENT (9:35 a.m.)**

It was **DETERMINED** without Objection by the Board to adjourn.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for 9:00 A.M. on Tuesday, February 13, 2007, in the Finance Department Conference Room, 5th floor, City Hall, 255 W. Alameda, Tucson, AZ.